

MEMO ENDORSED

M. TERESA DALEY LAW OFFICES, P.C.
18 E. 41ST STREET, 19TH FLOOR
NEW YORK, NY 10017
TEL: 212-502-7001
M. Teresa Daley, Esq. (MD 6836)
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PINI ZAHAVI,

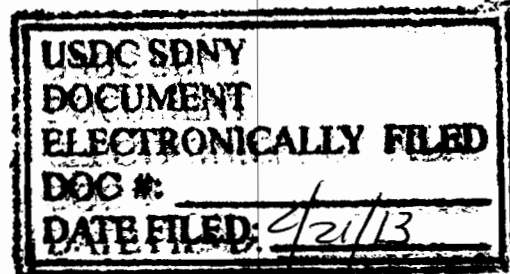
Plaintiff,

-against-

JS BARKATS, PLLC, and
SUNNY J. BARKATS a/k/a
SANNY BARKATS,

Defendants.
-----X

CIV. NO.: 12 CIV 9432 (MGC) (JLC)
ECF CASE



NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT
and PURSUANT TO RULE 67 FOR
AN ORDER PROVIDING FOR LEAVE
OF THE COURT FOR DEFENDANTS'
TO DEPOSIT MONEYS NOW HELD IN
AN IOLA ACCOUNT WITH THE
COURT

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Sunny J. Barkats, a/k/a Sanny Barkats, sworn to the 28th day of January, 2013, the accompanying Memorandum of Law, the Plaintiff's Complaint, all exhibits annexed hereto and all papers, pleadings and proceedings heretofore had herein, the Defendants, by and through their undersigned counsel, will move this Court, located at 500 Pearl Street, Courtroom 14A, New York, New York 10007, on **February 21, 2013 at 10:00 o'clock in the forenoon**, or as soon thereafter as counsel may be heard for the following Orders dismissing this action;

1. Pursuant to Federal Rules of Civil Procedure R. 12(b)(7) for failure to join a party

Motion to dismiss for lack of subject matter jurisdiction granted. One of the members of defendant PhBC is a citizen of France. Plaintiff is a citizen of Israel. Close case.

United States District Judge
February 21, 2013